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HUMAN RIGHTS COMMITTEE
Seventy-first session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FOURTH PERIODIC REPORT OF THE DOMINICAN REPUBLIC (CCPR/C/DOM/99/4)

Constitutional and legal framework within which the Covenant and the Optional Protocol (arts. 1 and 2) are implemented

1. Please provide information on cases in which the provisions of the Covenant have been directly invoked before State bodies (in particular before the courts), have been referred to in court decisions or have been applied in precedence over contrary provisions in national legislation. Please explain the ranking of the Covenant within the domestic legal system.

2. Has the plan to create an Ombudsman's Office been implemented? Is there an independent human rights commission or similar body in the Dominican Republic? If so, please describe its functions.

3. Please provide more information on the principle of reciprocity of rights of aliens, laid down in article 11 of the Civil Code, according to which an alien shall enjoy the same civil rights in the Republic as those granted to Dominicans by treaties with that alien's State (para. 64 of the report).

4. Please explain what mechanisms exist to facilitate implementation of the views of the Committee under the Optional Protocol.

Gender equality and the principle of non-discrimination (art. 3)

5. Please provide detailed information on the de jure and de facto situation of women in both the public and the private spheres. What measures has the Government taken, or does it plan to take, to promote gender equality?

Right to life (art. 6)

6. Please explain what further action has been taken to give effect to the Committee's decision in the *B. Mójica v. the Dominican Republic* case (communication 449/1991).

7. Since the death penalty was abolished under Act No. 64 of 19 November 1924 (para. 52 of the report), please state whether the Dominican Republic intends to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, which seeks the abolition of the death penalty.

8. According to information received, at least 200 persons were killed by the National Police during 1999. Please state whether investigations into these cases have begun, and whether they have been carried out by an independent authority.

Right to liberty and security of person, treatment of prisoners, fair trial and due safeguards (arts. 7, 9, 10 and 14)

9. In view of the recommendation of the Committee contained in its concluding observations on the third periodic report of the Dominican Republic (CCPR/C/79/Add.18), please provide information on any measures taken to tighten the regulations governing the use of firearms by the police. Please also state whether training courses in international human rights standards are being conducted for police and prison officials.

10. What is the institutional system that controls the operational orders, training and disciplinary proceedings for the National Police?

11. Please provide updated information on the number of persons currently held in pre-trial detention (para. 77 of the report). What types of steps have been taken to significantly reduce the number of exceptions to the 48-hour limit on detention?

12. Please explain how the problem of the backlog of cases pending before the courts and the long delays in the judicial system are being dealt with.

13. Is there a system of registration of prisoners in the country? Please provide information on the situation with regard to the imprisonment of juvenile offenders.

Protection of children (art. 24)

14. Please provide information on the situation of street children. In particular, are there any statistics on the commercial sexual exploitation of children? What measures have been taken to protect children and adolescents from sexual exploitation and trafficking in their persons?

15. Do the children of Haitian immigrants born in the Dominican Republic enjoy Dominican citizenship? If not, what is their de facto and de jure situation, and how are the provisions of articles 24.2 and 24.3 of the Covenant satisfied?

Freedom of movement, guarantees of due process in cases of expulsion, prohibition of discrimination (arts. 12, 13 and 26)

16. What measures have been taken in the light of the concern expressed by the Committee in its concluding observations on the third report over the degrading living and working conditions of Haitian labourers and the tolerated practices that effectively restrict their freedom of movement?

17. How many Haitian workers are there currently in the Dominican Republic? If there are no official figures, what is the estimated number? What percentage of them have identity documents (*cédulas*)? Please state what measures are being taken to regularize the situation of undocumented Haitian workers.

18. Please provide information on collective expulsions. What steps will be taken to eliminate and prevent this phenomenon (see Committee's concluding observations, CCPR/C/79/Add.18, para. 5, and A/48/40, para. 460)?

19. What are the regulations governing the expulsion of aliens, in particular Haitians? To what extent are those regulations compatible with the provisions of the Covenant?

Dissemination of the Covenant

20. Please provide information on the education and training programmes on the Covenant given to all categories of government officials, and in particular judges, lawyers and members of the police force.

21. Please state what measures have been taken to disseminate information on the submission of reports and their consideration by the Committee and, in particular, on the Committee's concluding observations.